



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ann M. Lees et al.  
Serial No. : 10/023,523  
Filed : December 17, 2001  
Title : NOVEL LOW DENSITY LIPOPROTEIN BINDING PROTEINS AND THEIR  
USE IN DIAGNOSING AND TREATING ATHEROSCLEROSIS

Art Unit : 1653  
Examiner : R. Mitra

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement dated April 7, 2004, applicants elect the invention of Group III, drawn to the embodiment of claims 47-51, 55-57, 67-70, 72, and 76-78. The election is made with traverse.

The claims of the application have been divided into ten separate restriction groups. For the reasons provided below, applicants respectfully request that the claims of Groups II, VII, and VIII be examined together with the claims of Group III in the present application.

The pending claims are directed to nucleic acids encoding a novel LDL-binding polypeptide ("LBP") termed LBP-3. Both human and rabbit LBP-3 sequences are recited in the claims. Groups II, III, VII, and VIII are directed to human LBP-3 sequences. Groups I, IV, V, VI, IX, and X are directed to non-elected rabbit LBP-3 sequences.

The human LBP-3 polypeptide is described in SEQ ID NO:44 (full length polypeptide) and SEQ ID NO:8 (amino acids 17-546 of human LBP-3). The human LBP-3 polypeptide of SEQ ID NO:8 (Group II) is a fragment of the elected SEQ ID NO:44 (Group III), and differs from SEQ ID NO:44 at a single amino acid position (SEQ ID NO:44 has an Asn at position 130, whereas SEQ ID NO:8 has a Tyr at the corresponding position). SEQ ID NO:46 (Group VIII) is

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a specific nucleotide sequence encoding SEQ ID NO:44 and SEQ ID NO:17 (Group VII) is a specific nucleotide sequence encoding SEQ ID NO:8.

Because of the extremely high sequence relatedness between SEQ ID NO:44 and SEQ ID NO:8, applicants submit that prosecution will be facilitated by the simultaneous examination of nucleic acids encoding each these human LBP-3 polypeptides. Because SEQ ID NO:8 is a fragment of SEQ ID NO:44, and SEQ ID Nos 46 and 17 are merely nucleotide sequences that encode these polypeptides, the issues raised during the course of prosecution of these human LBP-3 nucleic acid sequences are expected to be similar and simultaneous examination is therefore not expected to be unduly burdensome. In light of these comments, applicants respectfully request that the Examiner examine the human LBP-3 nucleic acid sequences of Groups II, III, VII, and VIII.

Please apply any charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 10797-004004.

Respectfully submitted,

Date: \_\_\_\_\_

*May 3, 2004*

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